



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,800	01/22/2001	Bernd Burchard	GR 00 P 1087 US	3742

24131 7590 03/18/2005
LERNER AND GREENBERG, PA
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

ABEBE, DANIEL DEMELASH

ART UNIT	PAPER NUMBER
----------	--------------

2655

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,800

Applicant(s)

BURCHARD ET AL.

Examiner

Daniel D Abebe

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/4/2005 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knittel (5,267,323).

As to claim 1, Knittel teaches a voice controller, comprising:

A sound source (TV, stereo, ..etc) including transmitter (Fig.1);

A plurality of sound source receiver (63) including A/D converters and a mixer (65 and 72)

A sound detector detecting sound including voice command (Fig.1, 31; Fig.3, 55), the sound detector including speech recognition (Fig.3, 63), for converting the voice command into control codes (Fig.3, 75);

A receiver (Fig.3, 57) for receiving sound signal generated by the associated (TV) sound sources;

A sound processor (Fig.3, 57) for generating corrected sound (Fig.3, 73) and supplying it to the speech recognition means. Also see Fig.4 and Col.5, lines 40-56; and

Where the controller could be combined into a single unit (mobile) with the remote controller (29), (Col.4, lines 25-32)

Knittel teaches digitizing and mixing the sound, but doesn't explicitly teach where the sound is encoded, as claimed. However, Official Notice is taken that encoding is a technique that is well known and commonly performed in signal processing, and it would have been obvious to include it in Knittel system for the purpose eliminating redundant information in the sound, thereby address storage limitation of the system during processing.

As to claim 5, Knittel teaches correlating the two inputs and taking the delay into consideration for generating the residual (correct) signal (Col.10, line 62-Col.11, line 7; Fig.3. 57).

As to claim 6, Knittel teaches where the correlation is made between the sound detected and the sound source information (Fig.3, 71 and 69).

As to claims 7-8, Knittel teaches where numbers of speaker inputs are placed (Fig.3, 63; Col.5, lines 43-56).

As to claim 9, Knittel teaches selecting between various modes (inherently using buttons) including a command learning mode (Col.6, lines 41-57).

As to claim 10, Knittel teaches various sound sources (Fig.3).

Claims 11-21 are analogous to claims 1 and 5-10 and are rejected for the foregoing reasons by Knittel.

Response to Arguments

Applicant's arguments, with respect to the rejection of the claims have been fully considered and are persuasive. Therefore, the 102 rejection by Knittel alone has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over Knittel in view of the official notice by the examiner as shown above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goss et al. (6,721,701) teaches where background sounds are picked up and encoded to produce an encoded sound information that will be used to discriminate the sound which will be subtracted.

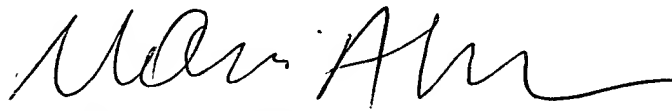
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D Abebe whose telephone number is 703-308-5543. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Abebe Primary Examiner A.U. 2655

A handwritten signature in black ink, appearing to read 'Daniel Abebe', with a long horizontal flourish extending to the right.

March 14, 2005